IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

Crl.Rev.Pet.No. 2547 of 2007()

CRIMINAL APPEAL NO. 238 OF 2006 OF SESSIONS COURT, KOZHIKODE

REVN. PETITIONER: APPELLANT/ACCUSED 1

JOSHY JOSEPH, S/O.JOSEPH,
KUMBERA BAZAR, KOODERANCHI AMSOM AND DESOM,
KOZHIKODE.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS: RESPONDENT/COMPLAINANT AND STATE

---

1. SINI,
D/O.CHACKO, VETTUKALLEL HOUSE,
KOORACHUNDU AMSOM AND DESOM, KOILANDY TALUK.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
RAM MOHAN PALACE COMPOUND.

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

* * * * * * * * * * * * * * * * * * *

Crl. R.P. No. 2547 of 2007

* * * * * * * * * * * * * * * * * * *

Dated, this the 2nd day of July 2007

ORDER

Heard both sides.

2. The revision petitioner who is the husband of the de facto complainant challenges the conviction entered and the sentence passed against the revision petitioner for an offence punishable under Sec. 498 A I.P.C. He was sentenced to undergo simple imprisonment for one year and to pay fine of Rs. 1,000/- and in default, to undergo simple imprisonment for three months.

2. The conviction has been entered concurrently by the courts below, after an evaluation of the oral and documentary evidence adduced in the case. The said finding cannot be interfered with by this Court sitting in the rarefied jurisdiction under Sec. 397 read with Sec. 401 Cr.P.C.

3. I am, however, inclined to modify the sentence, particularly, having regard to the fact that the de facto complainant is said to have remarried. Accordingly, for his conviction under Sec. 498 A I.P.C. the revision petitioner is

sentenced to undergo imprisonment till rising of court and to pay fine of Rs. 5,000/- and on default to pay the fine, to suffer simple imprisonment for three months. The fine amount shall be paid within one month from today. As and when the fine amount is realised, a sum of Rs. 4,000/- shall be paid to the de facto complainant by way of compensation under Sec. 357 (1) Cr.P.C.

This Crl.R.P. is disposed of accordingly.

V. RAMKUMAR,
(JUDGE)

ani.